

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-103 were previously pending in this application. Claims 1-97 and 100-103 have been withdrawn. Claim 98 has been amended to correct a typographical error in the claim preamble, in which  $\Delta^9$  tetrahydrocannabivarin was inadvertently written as " $\Delta^9$  tetrahydrocannabinol". The remainder of the claim clearly refers to  $\Delta^9$  tetrahydrocannabivarin by its abbreviation, " $\Delta^9$  THCv", which is consistent with the term as used in claim 99. As a result, claims 98 and 99 are pending for examination with claim 98 being an independent claim. No new matter has been added.

#### **Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 98 and 99 under 35 U.S.C. § 103(a) as being unpatentable over Straight, "Marihuana Extraction and Purification for Oral Administration of Known Amounts of Delta 9-tetrahydrocannabinol (THC)." Biochemical Medicine 8, pg. 341-344 in view of US 6,365,416.

According to the Examiner, Straight et al. teaches a method of producing  $\Delta^9$ -tetrahydrocannabinol crystals. Applicant submits that the claimed invention is not obvious over Straight et al. in view of US 6,365,416 because the claims are directed to a method for producing  $\Delta^9$  tetrahydrocannabivarin ( $\Delta^9$  THCv) crystals, not  $\Delta^9$  tetrahydrocannabinol, and a substantially pure preparation of  $\Delta^9$  tetrahydrocannabivarin ( $\Delta^9$  THCv), not  $\Delta^9$  tetrahydrocannabinol.

Accordingly, withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In view of the above amendment, Applicant believes the pending application is in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed, or which should have been filed herewith to our deposit account no. 23/2825, under docket no. B0192.70057US00 from which the undersigned is authorized to draw.

Dated: July 10, 2009

Respectfully submitted,

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